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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,945	11/18/2003	Frederick Douglass	YOR920030430US1	4452
54105	7590	10/03/2008		
DUKE W. YEE YEE & ASSOCIATES, P.C. P.O. BOX 802333 DALLAS, TX 75380			EXAMINER MANSFIELD, THOMAS L	
			ART UNIT 3623	PAPER NUMBER
			NOTIFICATION DATE 10/03/2008	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeeiplaw.com

Office Action Summary	Application No. 10/715,945	Applicant(s) DOUGLIS ET AL.	
	Examiner THOMAS MANSFIELD	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 June 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 6, 9, 12, 14-17, 21, 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Final Office action is in reply to the response to Office Action filed on 25 June 2008.
2. Claims 1, 6, 9, 12, 15-17, and 21 have been amended.
4. Claims 2-5, 7-8, 10-11, 13, 18-20, 22, and 24 have been cancelled.
5. Claims 1, 6, 9, 12, 14-17, 21, and 23 are currently pending and have been examined.

Response to Amendment

6. Applicants state that Claims 2-5, 7-8, 10-11, 13, 18-20, and 22 have been cancelled on page 7, paragraph one of Remarks/Arguments filed 25 June 2008, but in the Listing of Claims, page 6, claim 24 has been cancelled.

Response to Arguments

7. Applicant's arguments with respect to claims 1, 6, 9, 12, and 14-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3623

9. Claims 1, 6, 9, 12, 14-17, 21, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Dunstan et al. (Dunstan) (U.S. 5,560,022).

With regard to Claims 1, 16, 17, and 23, Dunstan teaches *a computer implemented method, apparatus* (power management system and interface, within a computer system) *and computer program product* (software layers) (see at least column 2, lines 16-44) *in a data processing system* (data information, central processing), *for controlling execution of applications* (issuing power management events for the add-in devices, power management coordinator (PMC), applications and devices) (see at least column 2, lines 46-64 and column 3, line 66 through column 7, line 25) *comprising*:

- *setting a policy for an application, wherein the policy indicates how to control execution of the application* (power policy manager allows a user to define a performance/economy setting, a “power budgeter” module for controlling the system’s devices) (see at least column 2, lines 14-44 and column 3, line 66 through column 7, line 25) *while the data processing system is using a limited resource, wherein the limited resource is battery power* (battery powered implementation) (see at least column 4, lines 58-65), *and wherein the policy comprises rules that indicate whether to execute the application* (transition from off **60** to on **62a**), *terminate the application* (off state **60**), *delay execution of the application* (delay (rejection) of shutdown) (see at least column 10, lines 59-61), *or suspend* (suspend event) (see at least column 7, lines 55-66) *execution of the application until a specified element of the data processing system is non-idle* (no response latency) (see at least column 7, lines 40-52).
- *responsive to initialization of the application while the data processing system is using the limited resource, determining whether the application belongs to a list of permitted applications* (When the PMC 100 receives a call, it steers it to the appropriate registered device or extension via its registered identifier) (see at least column 8, lines 30-60).

- *responsive to determining whether the application belongs to a list of permitted (registered) applications, permitting execution of the application* (translate this policy state into a configuration recognized by the device, recognized and allowed) (see at least column 10, lines 47-64, column 11, lines 24-37 and column 14, lines 50-65).
- *responsive to determining that the application does not belong to a list of permitted applications* (UNKNOWN, unregistered or otherwise unknown device) (see at least column 16, lines 2-17 and TABLE 1.0), *determining whether the application belongs to a list of banned applications* (if an access is made, the device can reject it using accepted practices or standards for the device) (see at least column 7, lines 20-29 and column 10, lines 47-64).
- *responsive to determining that the application does not belong to the list of banned applications, prompting a user for a policy decision* (generates warning indications to the user) (see at least column 12, lines 1-23).
- *responsive to execution of the application while the data processing system is using the limited resource, controlling access of the application to the specific elements of the data processing system that affect the limited resource* (control the internal heat production of the system) (see at least column 4, lines 8-21).

With regard to Claims 6 and 21, Dunstan teaches *wherein controlling access of the application to the specific elements of the data processing system comprises:*

- *determining whether the execution of the application is restricted* (The PMC in the restricted mode can still force state transitions) (see at least column 7, lines 46-52).
- *responsive to determining that the execution of the application is not restricted, permitting normal execution of the application* (When the PMC 100 receives a call, it steers it to the appropriate registered device or extension via its registered identifier) (see at least column 8, lines 30-60).

Art Unit: 3623

- *responsive to determining that the execution of the application is restricted, determining whether to delay execution of the application until the specific element of the data processing system is available* (in the restricted power management mode, the device and its driver only makes a state transition when it receives the state-change command) (see at least column 7, lines 46-52).
- *responsive to determining that the application has access to the specific element, determining whether the access exceeds an access rate for the resource* (able to guarantee that the overall temperature of the computer system does not exceed preprogrammed maximum limits) (see at least column 12, lines 39-41 and column 17, lines 59-65).
- *responsive to determining that the access rate is exceeded, determining whether an allocation is provided for the application as indicated by the policy* (If so, the thermal budgeter 250 recommends or commands that load shedding take place) (see at least column 17, lines 59-65).

With regard to Claim 9, Dunstan teaches:

- *examining a resource usage of the application on the data processing system* (power usage, determining heat content based on energy consumed and heat dissipation) (see at least column 12, lines 1-22 and column 17, lines 43-65).
- *adding the application to the list of permitted applications if the application is to be always permitted* (When the PMC 100 receives a call, it steers it to the appropriate registered device or extension via its registered identifier) (see at least column 8, lines 30-60 and column 10, lines 47-64).
- *adding the application to the list of banned applications if the application is to be always denied* (if an access is made, the device can reject it using accepted practices or standards for the device) (see at least column 7, lines 20-29 and column 10, lines 47-64)

Art Unit: 3623

- *building a profile (operational flow) of resource consumption for the application* (see at least column 19, line 18 through column 20, line 38 and TABLEW 3.0).

With regard to Claim 12, Dunstan teaches *a method, in a data processing system, for controlling execution of applications, the method of comprising:*

- *responsive to moving to battery power, identifying at least one application and determining whether the at least one application belongs to a list of permitted applications* (translate this policy state into a configuration recognized by the device, recognized and allowed) (see at least column 10, lines 47-64, column 11, lines 24-37 and column 14, lines 50-65).
- *responsive to determining that the at least one application does not belong to the list of permitted applications, determining whether to terminate or suspend the at least one application* (The PMC in the restricted mode can still force state transitions on the device) (see at least column 7, lines 31-52).
- *responsive to a determination to terminate the at least one application, terminating the at least one application* (powering down targeted components, Drivers disconnect themselves from the PMC 100 when it or the PMC is terminated) (see at least column 12, lines 1-22 and column 18, lines 43-45).

With regard to Claim 14, Dunstan teaches *responsive to a determination to suspend the application, suspending the at least one application* (Transition **86** corresponds to a suspend event notification via the PMC causing transition from standby **62b** to suspend **64**) (see at least column 7, lines 65-66).

With regard to Claim 15, Dunstan teaches:

- *determining whether to register the at least one application to restart when the data processing system is no longer using the limited resource* (power budgeter **240**, power policy manager, communicates with registered devices, If enough power is not available, begins to “load shed”, The slider determines which percentage of performance and economy the computer system will adopt) (see at least column 11, line 38 through column 12, line 33 and column 13, line 33 through column 14, line 49).
- *responsive to a determination to register the at least one application, registering the at least one application to restart when the data processing system is no longer using the limited resource* (power budgeter **240**, power policy manager, communicates with registered devices, If enough power is not available, begins to “load shed”, The slider determines which percentage of performance and economy the computer system will adopt) (see at least column 11, line 38 through column 12, line 33 and column 13, line 33 through column 14, line 49).

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

11. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- Chen et al (U.S. 7,350,064) discloses a computer system having an identification device.
- Lu, "Power-Aware Operating Systems for Interactive Systems", ProQuest Information and Learning Company, Ann Arbor, MI, 2002, discloses using operating systems to control the power states of IO devices and processors dynamically.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to THOMAS MANSFIELD whose telephone number is (571)270-1904. The examiner can normally be reached on Monday-Thursday 8:30 am-6 pm, alt. Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Van Doren Boswell can be reached on 571-272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. M./
Examiner, Art Unit 3623

26 September 2008
Thomas Mansfield

/Bradley B Bayat/

Supervisory Patent Examiner, Art Unit 3623